IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 15608 of 2004

Between:

K.Venkata Rami Reddy, S/o K.Konda Reddy,
R/o 51-1027-1, Sitaramanagar, Kurnool

... PETITIONER

AND

1 Deputy Transport Commissioner & Secretary, Regional Transport Authority,

Kurnool
2 Regional Transport Officer, Regional Transport Authority, Kurnool
3 Vigilance & Enforcement Officer, Vigilance & Enforcement Department,

Kurnool

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Certiorari to call for records and quash the impugned order passed in R.No. 7625/C1/2001, dated 01-07-2004 by the 1st respondent

Counsel for the Petitioner: MR.P.RAGHAVENDRA REDDY

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following order:

ORDER:

In the instant case the transport authority issued a show cause notice dated 10.08.2001 to the petitioner proposing to levy compounding fee of Rs.7,33,900/- on the ground that the petitioner transported different goods under the public distribution system overloading the same and the said overloading is an offence under Section 113 of the Motor Vehicles Act, 1988. Accordingly, the compounding fee was levied.

Admittedly no inspection has been made and the compounding fee on the presumed overloading cannot be levied without making any check on the said vehicle.

In the circumstances this Court allowed WP.No.15462 of 2004 in which the similar question falls for consideration.

Following the said judgment in WP.No.15462 of 2004, this writ petition is accordingly allowed in terms thereof. No costs.

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V. ESWARAIAH, J

March 18, 2005

Dsk

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Friday the Eighteenth day of March Two thousand and Five.

To

1 The Deputy Transport Commissioner & Secretary, Regional Transport

Authority, Kurnool
2 The Regional Transport Officer, Regional Transport Authority, Kurnool
3 The Vigilance & Enforcement Officer, Vigilance & Enforcement Department,

Kurnool

4 Two CCs to GP For Transport, High Court Buildings, Hyderabad (OUT)

5 Two CD Copies.